

REMARKS

1. Election

The above-referenced Office action required a species election between the species of Fig. 1 and Fig. 11. Applicants hereby elect the species of Fig. 11 without traverse. As noted by the Office, at least claim 1 is believed generic to both species. And, at least claims 1-15 and 18 are readable on the elected species.

2. Drawings

The drawings were objected to for not illustrating the subject matter of dependent claims 16 and 18. Proposed new FIGS. 15A-16B are being submitted herewith to illustrate alternate round and flat cross-sections for both the up leg and the out leg in the elected Fig. 11 embodiment. Support for these figures can be found in the written description at paragraphs 52 and 54, for example, as well as original claims 15-18 and the Table 1 at page 12. Thus, these new figures do not present new matter, but simply conform the drawings to the disclosure of the original specification.

Proposed corrected FIG. 5 is also being submitted herewith to correct reference line 9-9 to match the orientation of the section shown in FIG. 9.

The proposed new figures and drawing changes are shown in red in the enclosed drawing sheets labeled "Annotated Marked Up Drawings". A set of formal drawings is also being submitted with "Replacement Sheets" containing the proposed changes and new figures as well as formal numbering of original FIGS. 11-14.

Applicants respectfully request that the proposed drawings be accepted and that the formal drawings be entered into the record of the present application and substituted for the drawings presently on file.

3. Specification

The specification is hereby amended as noted above to provide a brief description of new FIGS. 15A-16B and to draw reference to these figures in the detailed description.

4. Claims

The above Office action included novelty rejections to claims 1, 2, 11, 14, 15 and 17 over Cochran (U.S. Pat. No. 1,067,096) and to claims 1, 2, 5 and 6 over Kobayashi *et al.* (U.S. Pat. No. 5,819,326) as well as obvious rejections to claims 3 and 4 over Cochran and to claims 12, 13, 16 and 18 over Cochran in view of Flegel *et al.* (U.S. Pat. No. 4,173,800).

Claims 7-10 were not rejected. Claims 7 and 9 are hereby recast in independent form to include the subject matter of rejected base claim 1. Claims 8 and 10 depend from amended claims 7 and 9, respectfully. Thus, claims 7-10 are now believed to be in allowable form.

The novelty rejections to the pertinent claims are believed to be avoided by the amendments made to claim 1 recited above. Specifically, amended claim 1 (and thus claims 2-6 and 11-18) require that the down leg extends rearwardly in essentially uniform cross-section from the water dam region to the baffle. Support for this language can be found, for example, in the first sentence of paragraph 54.

Neither Cochran or Kobayashi *et al.* teach the trapway of amended claim 1. The down leg disclosed by Cochran dog legs and does not extend from the water dam with essentially uniform cross-section. In the Kobayashi *et al.* reference, as shown in Fig. 1, the back portion of the down leg angles with respect to the vertical front portion. Moreover, rather than the claimed baffle, the disclosed down leg extends directly to a "flushing port 2", albeit of reduced diameter.

The obviousness rejections are believed to also be avoided in light of the amendments to claim 1. Further, with regard to claims 3 and 4, the cited passage of the Flegel *et al.* reference (col. 3, lines 14-16) merely teaches an opening size of 3 and 4 inches for an "inlet arm 17". This pertains to the sectional or diametral area of the passageway rather than the radius of transition between sections of the trapway as claimed and detailed in the specification at paragraphs 58-62, Table 1 and FIG. 14.

Accordingly, the claimed invention is believed to be patentable over the cited references, and therefore, reconsideration and allowance of all pending claims is respectfully requested.

The claim amendments herein have not increased the total or independent claim count beyond the allotted amount. No fee is thus believed due for consideration of this timely response. Any fees deemed necessary, however, should be charged to Deposit Account 17-0055.

Respectfully submitted,

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DRAWINGS AMENDMENTS:

The enclosed marked-up drawings entitled "Annotated Marked Up Drawings" include proposed amendments to FIGS. 5 and 12 to correct reference line 9-9 and to include section reference lines corresponding to new FIGS. 15A-16B, now included in the enclosed set of formal drawings. These new figures bring the drawings into conformance with the disclosure of the specification and claims. Substitute drawings sheets entitled "Replacement Sheet" contain formal versions of FIGS. 5, 12 and 15A-16B.

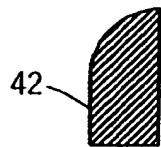
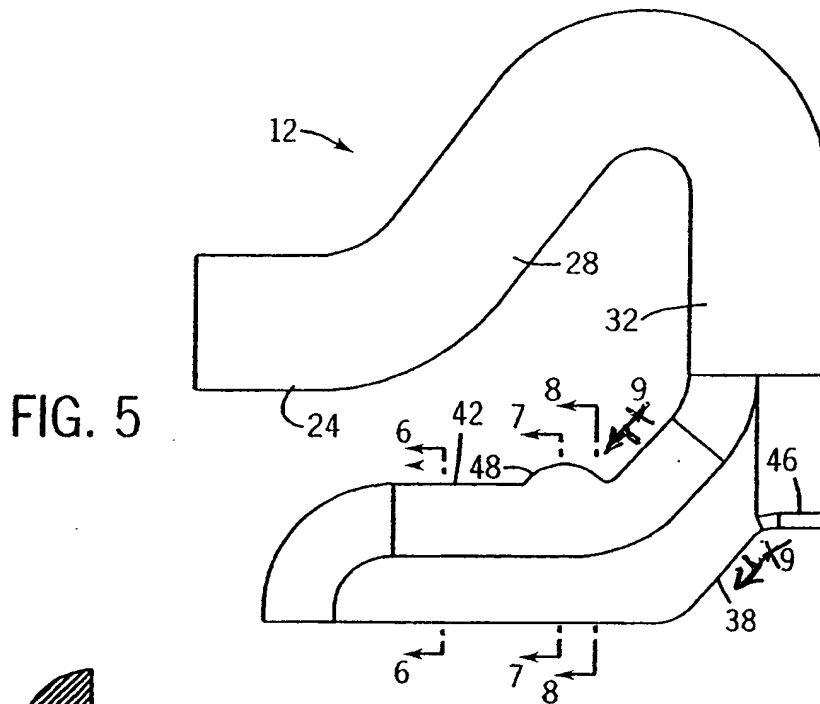


FIG. 6

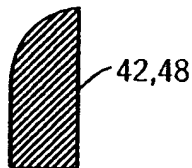


FIG. 7

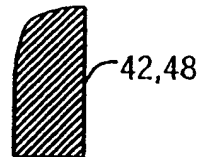


FIG. 8

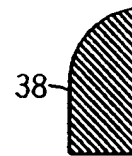
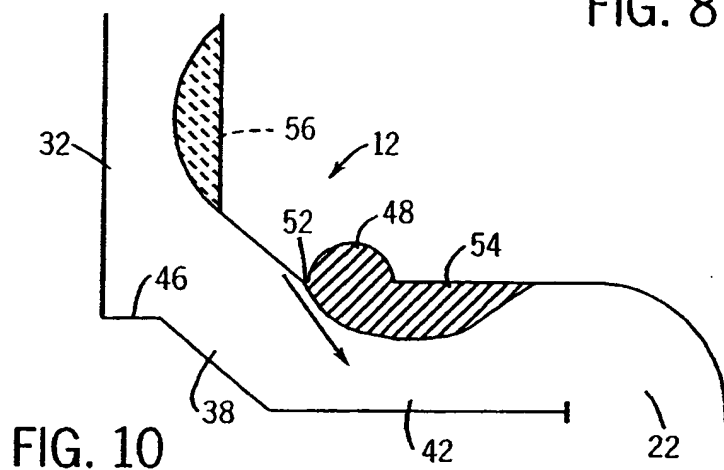
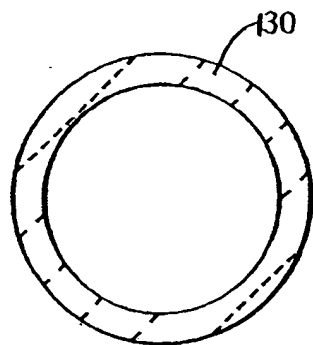
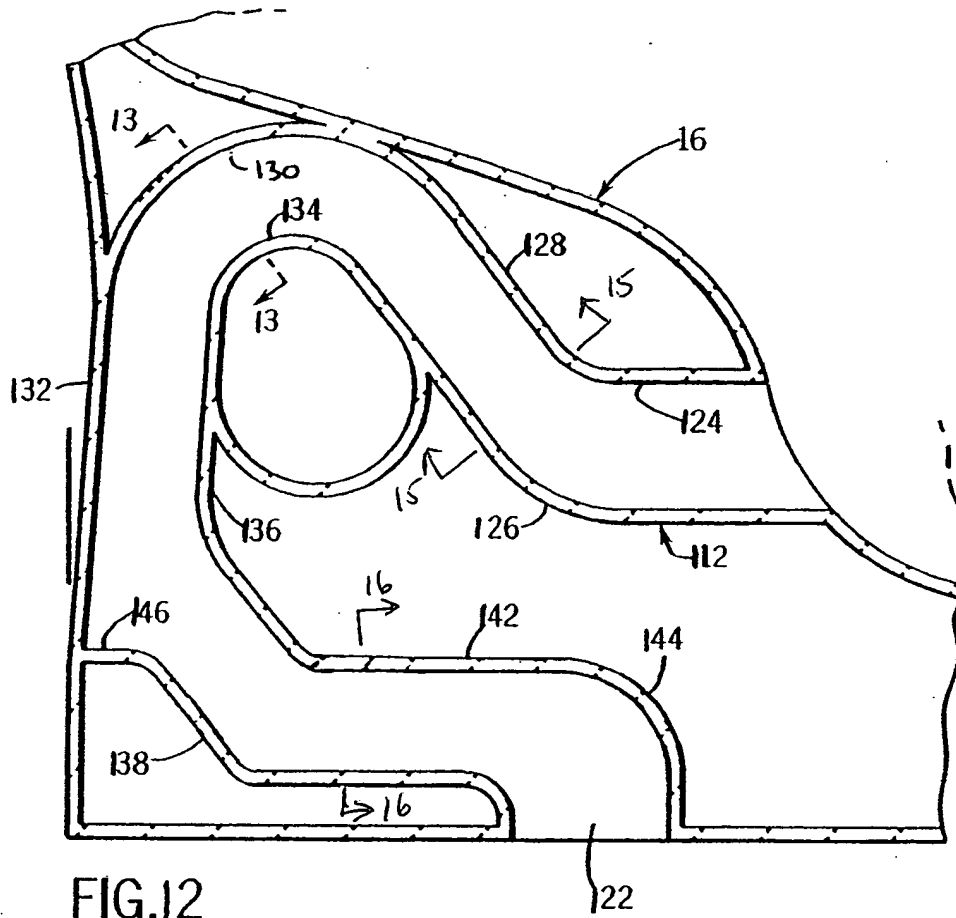


FIG. 9



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ANNOTATED MARKED UP DRAWINGS



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ANNOTATED MARKED UP DRAWINGS

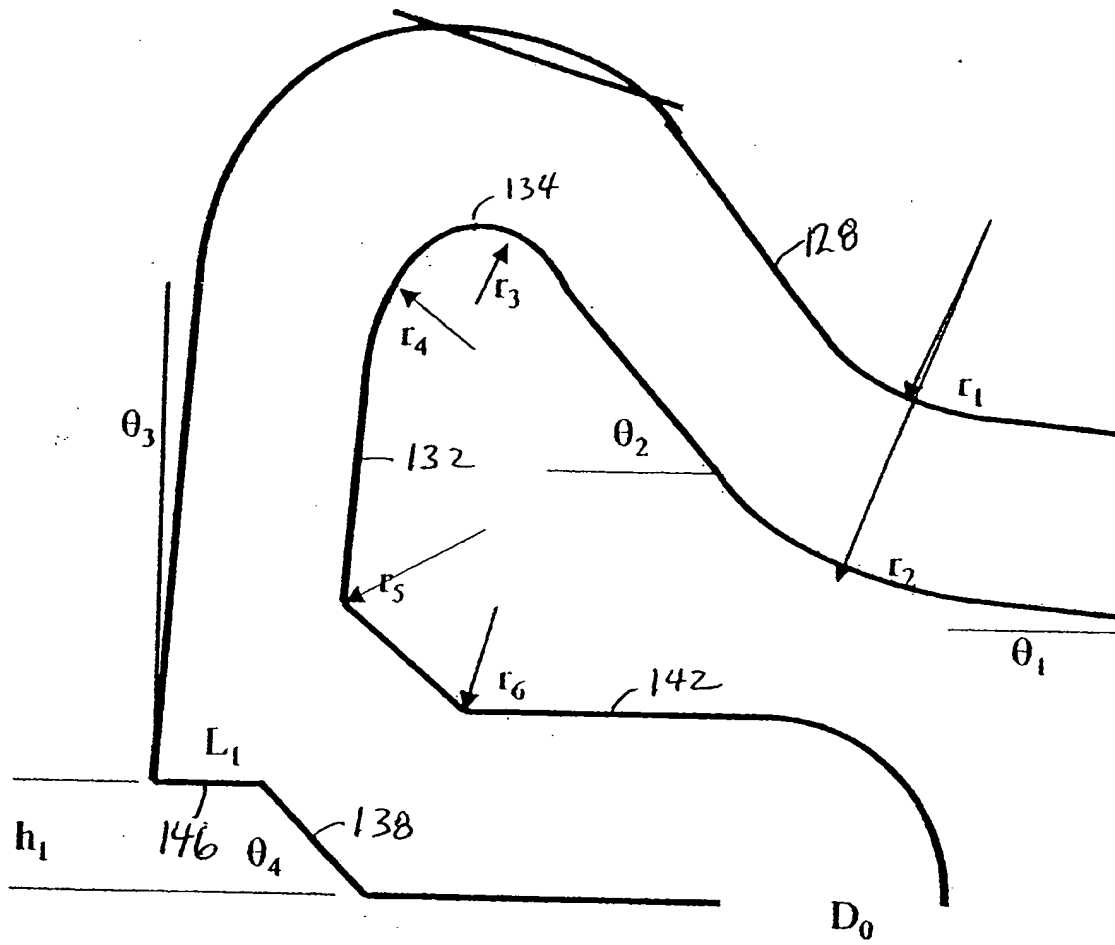


FIG. 14

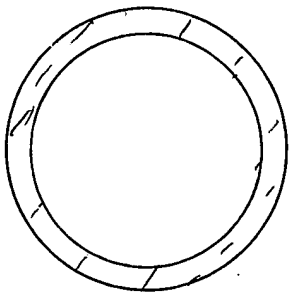


Fig. 15A

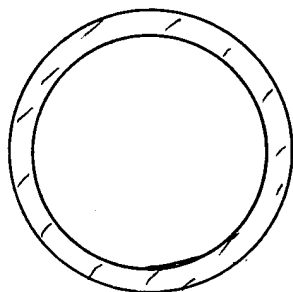


Fig. 16A

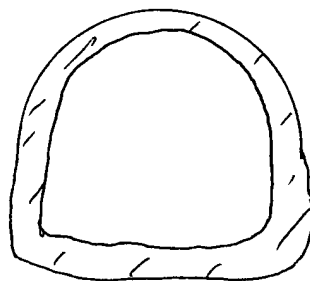


Fig. 15B

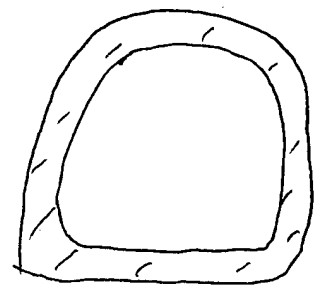


Fig. 16B